

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

LEWIS A. COCHRAN,

Plaintiff,

vs.

CHERYL PRICE, et al.,

Defendants.

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Case No. 7:11-cv-01925-KOB-TMP

MEMORANDUM OF OPINION

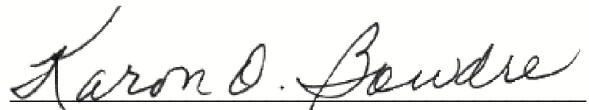
The magistrate judge filed a report on May 24, 2013, recommending that the court grant the defendant's motion for summary judgment and dismiss this action with prejudice. (Doc. 24). The plaintiff filed objections to the report and recommendation on June 24, 2013. (Doc. 27).

The court carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's report and recommendation and the plaintiff's objections. The court, while considering all of the plaintiff's objections, specifically notes that the plaintiff argues that the second body chart shows that he sustained injuries and that the magistrate judge ignored the statements of his three eye witnesses. The court has examined the second body chart (doc. 22-1) and the affidavits of Turner (doc. 1-3), Simmons (doc. 1-4), and Cavin (doc. 1-5); nothing in the affidavits raises any genuine issues of material fact or supports the plaintiff's claims in a way not recognized by the report and recommendation. Further, the fact that the second body chart from the day after the incident revealed some bruises, swelling, and redness does not undermine the magistrate judge's analysis; bodily injury—and the degree of its severity—is only one factor to consider. The plaintiff failed to show that any other factors existed to support his claim of excessive force. *See Hudson v. McMillan*, 503 U.S. 1, 7 (1992).

The court finds that the magistrate judge's report is due to be and hereby is ADOPTED, and the court ACCEPTS his recommendation. The court EXPRESSLY FINDS that no genuine issues of material fact exist and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's motion for summary judgment is due to be GRANTED (docs. 15 & 18) and this action is due to be DISMISSED WITH PREJUDICE.

The court will enter a separate, final order.

DONE and ORDERED this 22nd day of July, 2013.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE